



IFW

Docket No.: ION-0215
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Keisuke Chino et al.

Application No.: 10/608,068

Confirmation No.: 7830

Filed: June 30, 2003

Art Unit: 1713

For: THERMOPLASTIC ELASTOMER
COMPOSITION

Examiner: R. A. Lee

SUBMISSION OF DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Further to our response on February 11, 2005, submitted herewith is the executed Declaration Under 37 C.F.R. § 1.132 for the above-identified application.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. ION-0215 from which the undersigned is authorized to draw.

Dated: April 28, 2005

Respectfully submitted,

By

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DECLARATION UNDER 37 C.F.R. § 1.132

We, Mr. Keisuke Chino, Mr. Makoto Ashiura, Mr. Tetsuji Kawazura, and Mr. Masahiro Ikawa, state:

1. We reside at 2-1, Oiwake, Hiratsuka City, Kanagawa Prefecture, Japan c/o THE YOKOHAMA RUBBER CO., LTD, Hiratsuka Factory, and make this declaration based on our knowledge and belief.

2. We are research engineers for THE YOKOHAMA RUBBER CO., LTD, 36-11, Shimbashi 5 Chome Minato-Ku, Tokyo, Japan, and have been employed by THE YOKOHAMA RUBBER CO., LTD, for the periods listed below.

Mr. Keisuke Chino - 12 Years

Mr. Makoto Ashiura - 8 Years

Mr. Tetsuji Kawazura - 22 Years

Mr. Masahiro Ikawa - 19 Years

3. We are the inventors named in U.S. Patent Publication No. US 2002/0022700 A1, filed June 19, 2001.

4. The monovalent metal elements, Na, K, and Li, were added to the disclosure of U.S. Patent Publication No. US 2002/0022700 A1 by mistake.

5. As evidence of such a mistake, in paragraph [0141] and claims 21-23, monovalent metal elements Na, K, and Li are disclosed even though such metal elements are not part of any of the Groups listed (i.e. Groups 2A, 3A, 4A, 5A, 6A, 7A, 8, 1B, 2B, 3B, 4B and 5B under the IUPAC 1970 nomenclature or Groups 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 under the new system (IUPAC advice, 1990)) in claim 18.

6. The disclosure of Chino et al. (U.S. Patent Publication No. US 2002/0022700 A1) does not adequately teach one skilled in the art how to make and use the disclosed thermoplastic elastomer compositions comprising a compound containing Na, K, or Li since the effectiveness of such metal elements had not yet been established by experimental data.

7. We hereby declare that all statements made herein based on our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Executed on April 22, 2005

Keisuke Chino

Signed by Mr. Keisuke Chino

Executed on April 22, 2005

Makoto Ashiura

Signed by Mr. Makoto Ashiura

Executed on April 22, 2005

Tetsuji Kawazura

Signed by Mr. Tetsuji Kawazura

Executed on April 22, 2005

Masahiro Ikawa

Signed by Mr. Masahiro Ikawa